

THE  
PRIVILEGES  
OF THE  
PEOPLE,

OR,

Principles of Common Right and Freedom, briefly laid open and asserted in two Chapters.

- I. *Containing the distinct Interests of King, Parliament and People; consisting in Prerogative, Privilege and Liberty (as they have formerly obtained in this Nation.)*
- II. *Discovering the Peoples Right in Choice, Change, or Regulation of Governments or Governours: Together with the Original of Kingly Power, and other Formes of Government.*

Propounded to the Consideration, and published  
for the benefit of the PEOPLE of  
ENGLAND.

By J. W.

Tacit.

*Principatus & Libertas res olim dissociabiles.*

LONDON,

Printed by G. Dawson for Giles Calvert at the signe of the  
black spread Eagle at the west end of Pauls. 1649.

# THE PRIVILEGE PEOPLE

OF A  
COUNTRY  
AND  
THE  
PEOPLE

OF A  
COUNTRY  
AND  
THE  
PEOPLE

OF A  
COUNTRY  
AND  
THE  
PEOPLE

OF A  
COUNTRY  
AND  
THE  
PEOPLE

OF A  
COUNTRY  
AND  
THE  
PEOPLE



## CHAP. I.

### *Discovering the distinct Interests of King, Parliament, and People.*

#### SECT. I.

##### *Of Prerogative or Kingly Interest.*

**T**He *Interest* of the *King* having advanced it self into a Principle of *Distinction*, *Seperation*, and *Superiority* above the *Interest* of the *People*, is called *Prerogative* or *Kingly greatness*; which is a *Tu-ber* or *exuberance* growing out from the *stock* of the *Commonwealth*, partly through the weakness and indulgence of *People* to their *Kings* and *Rulers*, ( which hath been most eminent in the *English Nation* ) and partly through the *ambition* and *lust* of *Princes* themselves, who not considering their *greatnesse* as in a principle of *union* with the *People*, in a way of *tendencie* and *subserviencie* to the *Peoples* good, have heightened themselves beyond their due *bounds*, and framed a *distinct Interest* of their own, pretendedly *Supream*? To advance this *Interest*, *Kings* and *Princes* have *politricks*, and *Principles* of their own, and certain *State-maxims*, whereby they soare a loft, and walk in a distinct way of opposition to the *Rights* and *Freedomes* of the *People*; all which you may see in *Machiavils Prince*.

Hence it is that *Kings* have been always jealous of the people, and have held forth their own *Interest*, as a *Mystery* or *Riddle*, not to be pried into by ordinary understandings: And

the *Profelytes* of this corrupt and *tyrannous Interest* have alwayes served it up, as a *Sacred* thing, a thing as much above our reach, as it is truly and indeed against our *Freedomes*.

So that *Ignorance* being the *Mother and Nurse of Bondage*, such *Principles* have been watchfully observed, as have withheld in any *Light*, or discovery of the corruptnecle of the *Prerogative Interest*; hence is it, that the *Expositions* of *Pareus* upon *Rom. 13.* were censured and condemned by the *Court Party*, as giving too much *Liberty* to *Subjects*, to resist their *Kings*; and the *Genevab* notes upon *Exod. 1. v. 17.* were disliked by *King James*, because they countenanced the *Midwives disobedience* to the *King*; not, but that the thing commanded was unlawfull, but it was interpreted to open too great a gap to the ruine of this *Interest*, of which wee now speak.

And yet some have not been wanting, who in times of greatest hazard have adventured their own *Freedomes* as a *Sacrifice* to the *Publike*; and have made forth discoveries of the corruption & rottenes of this *oppressive Prerogative Interest*, upon conscientious grounds of *Publike Freedom*. Though this hath been censured by the *Potencie* of that *Interest* which it did oppose, as an offence no lesse then *piacular*; And their *Persons* loaded with calumnies of all sorts, as being a *faction* or *Party of Levellers*, as *King James* calls some in his *Star-chamber Speech*.

And though we may possibly suppose that the corruption of this *Interest*, may be in some measure discovered to those that use it, and that *Kings* themselves may suck in some *principles* of common Right and Freedom; some glimmerings whereof, seem to sparkle in the writings of *King James*, yet their judgements are so over clouded by their *Interests*, that they doe not onely blinde themselves, but hoodwink others, and all to establish that, which God himself purposes to destroy and overthrow.

For when *Principles* of light and knowledge shall be advanced amongst men, they shall then scorn to be subject to the corrupt Wills and Lusts of others: they shall know no *Policie*, but *integritie* and *honestie*; *False interests* shall tumble down

truth

*truth* and *righteousness* take place, and *Prerogative* be worried, as an Enemy to *Freedom*.

And if this were made out to *Princes themselves*, they would not only *prophane* their own *mysteries* and make them *common*, but sacrifice their *greatness* to the *light of Truth*, (which hath so often sacrificed *Truth* to *it self*) and study which way to advance the *Peoples Interest*, though in opposition to *their own*. And if this *self-denying Spirit* were in them, and the *power of Truth*, the rough way of worldly *force* and *spoils* would be prevented, and the *work* rendered more easie to *themselves* and *others*.

## S E C T. II.

### *Of Priviledge, or Parliament Interest.*

**I**F the voice of *Common Right or Freedom* could be heard amongst *Men*, the world would not be so deeply engaged in  *factions*, and distinct *Parties*, as they are; but this is the misery, The *minde*s of men being prejudiced with corrupt *Interests* of one sort or other, and pertinaciously adhearing to them, doe contribute their utmost assistance to maintain them, partly through the inbred corruption within men, and partly through those provocations which (in the heat of contest) they meet with, from *Interests* which are at variance with their *own* (for even *truth* it self will juttle its adverfarie in a narrow passe.) Hence it is that some are said to be for the *King*, some for the *Parliament*, some for the *Army*. But is *Truth* divided? Is there not one common principle of *Freedom*, which (if discovered) would reconcile all; 'Tis true this Principle may be weakly and imperfectly managed by the *Children* thereof, but the miscarriage (whether real or supposed) is not to be charged upon the *Principle* it self; And yet this is the practise of corrupt men, who take advantage from common frailties in the prosecution of *just* things, to cry down the things, *Themselves*, and so to strengthen their adhesion to their own *Interests*, though never so corrupt.

The purest civill *interest*, is the *Peoples Freedom*, which may

may be cruſhed by *Priviledge* as well as *Prerogative*; For *Prerogative* and *Priviledge* (in its uſuall acceptation) are neer of kin; and it is poſſible for a *Societie* to exerciſe *Tyrannis* as well as a ſingle *Perſon*. What hath been ſpoken of *Prerogative*, may be affirmed of *Priviledge*, the Impe thereof; For *Man* being naturally of an aſpiring temper, mannages all advantages to ſet up himſelf, and to this the *Peoples election* is a faire temptation, and though the gentleneſſe of the phraſe doth worde the Parliament, To ſerve for their Country, yet tis ſometimes in the ſame kinde of oratory, as the *Pope* is the ſervant of the *Church*, whileſt he exerciſeth rule and domination over it.

*Priviledge* hath formed it ſelf into a diſtinct *Interſt*, as well as *Prerogative*, and hath forgot its originall and ſire, thinks it ſelf compleat without ſuperior or equall: Thus hath it broke off it ſelf, from its ſtock, and like a *ſuccour* draws nourishment away from the true branches; ſo that, whete *Prerogative* and *Priviledge* are in a thriving poſture, the *Freedomes* of that *People* are underlings and leane as being crop'd on both ſides.

When things doe continue in their proper place and order, they ſtand in God, and are uſefull to thoſe ends for which he hath appointed them; but when they warpe, they turn aſide from God; and when they leave their ſtation, and would be of themſelves (as *Lucifer*) they fall down into Hell and a condition of darkneſſe; The way to advance *Priviledge* is to keep it within its due bounds.

Tis true, ſomethings doe naturally aſcend, but tis to their own place and Center and when they are there, they are cloathed with *Majeſtie* and glory. Every thing is beautifull in its place and ſeaſon: There is a beauty in *Priviledge* (thus conſidered) as well as in *Libertie*.

To aſcend beyond due and meaſured bounds, is no way honourable but monſtrous, as if the Feet ſhould grow out of the Thighs, or the Hands upon top of the Head; this is a diſorder and confuſion, and thus Pride is the wombe of darkneſſe, which may be verified in *Priviledge* as well as *Prerogative*.

Tis true, *Priviledge* hath a ſtronger plea, as being founded upon



upon *Election and Consent*, but this will not justify the *Abuse* thereof: for when *Priviledge* soares high, the *people* sometimes follow it, either through ignorance of its *Nature* or bounds, or else that they may not lose the benefit of that, which is truly so called, and is usefull in its place. For as *War* ascends for the continuation of it selfe, so the interest between *Parliament* and *people*, must not bee discontinued. And yet this motion on the *peoples* part is *violent*, not *natural*: for *Liberty* should not ascend to *Priviledge*, but *Priviledge* should stoop downe to *Liberty*, as its *Center* and *Rest*.

*Priviledges* may sometimes mount so high, that *Liberty* cannot onely not follow, but is endangered by it. In this case *Priviledge* discontinues it selfe, and *Liberty* casts off *homage* and subjection thereto; such *Priviledge* is to be lop'd off as a burden to *Freedom*.

True *priviledge* of *Parliament* is this, in a principle of *Union* with the *peoples Right*, an *Immunity* and *Freedom* to mind just things, and to prosecute impartiall grounds of righteonsesse and *Truth*, other *priviledges* may be pared away, as bearing no proportion with their *End*, but this shall continue as subservient unto *Freedom*.

### SECT. 3.

#### Of *Liberty*, or the *Peoples Interest*.

IN every *Common-wealth* the *Interest* of the *People* is the *True* and *Proper Interest* of that *Common-wealth*; other *Interests* have advanced themselves, pretendedly to exalt *This*, and yet being once gotten into the *Throne of Rule*, they labour nothing lesse, or rather indeed they bend their utmost endeavour to overthrow *It*.

*Prerogative* and *Priviledge Interests*, (as formerly explained in their corrupt notions) are altogether inconsistent with *True Freedom*: Hence it is that there is an irreconcilable contest between *Them*, which will never cease, till either *Prerogative* and *Priviledge* be swallowed up in *Freedom*,

or *Liberty* it selfe be led captive by *Prerogative*. He which hath the worst *Case* may sometimes have the best *Success*, (for Time and Chance happens to all) and thus *Liberty* may be worsted by *Priviledge*, as having lesse specious advantages in the *Flesh*. For true *Freedom* is in the *Mind*, and its *Prose* *Poet* are but few. Most men give up themselves to the Idoll-Interests of *Prerogative* and *Priviledge*, as being more taking with flesh and blood.

And when *Liberty* is once put to the rout, it is not easie to rally again, or to redeem it selfe; for the darkeſt Dungeon is its *Prison*, 'tis chained with oathes and servile bonds, yea and the strong bolts of humane *Laws* doe keep it in subjection. Thus are all things made sure, with a *Grave-stone*, a *Scafe*, and a *Witch*, and oppression rides in triumph upon the backs of the people.

All imaginary gaps for the re-entrance of *Freedom*, being thus stop'd up, it were impossible for it to arise from the dead, or to recover its true and proper state, if God himselfe did not appeare; and laugh the counsels of men to scorn, yea and open the Iron gates, and knock off the bolts, and lead forth *Freedom* to open view, as the *Angel* did *Peter*.

In this designe God co-operates with *Man*, and makes him instrumentall in the work, by clearing his principles, and stirring up his spirit. There are some sparkes of *Freedom* in the mindes of most, which ordinarily lye deep, and are covered in the *Darke*, as a spark in the ashes. This spark is the image of God in the mind, which is indeed the *Man*, (for the divine Image makes the *Man*.) This *Man* is hid in most persons, onely the *Tyrant*, the *Beast*, or the slavish principle appeares, and the whole bulk is hurried about by the motion of that principle, and the *Man* within us swimmes with the stream.

But God favours all weak things, and hath a speciall regard to tender ones, when under darknesse and oppression. And in order hereunto he layes the Axe to the root of the *Tree*, and strengthens our weak principle, he layes the foundation of *Freedom* within us, and so proceeds to blow up the fire, till the roome be too hot for unrighteousnesse and wrong.

Thus *Tyranny* being driven out of the *Spirit*, or *Mind* (its surest



surest hold, its Metropolis, or Citie of Refuge) 'tis hunted too and fro like a beast of prey. Neither is this a rare thing, but according to the usual proceedings of God in the World, who *spoyle the Spoyle, and punishes oppression in Methods of its owne*, that Men may see and admire his Greatness and Power.

Be wise now therefore, O yee Kings, be instructed O yee Judges of the earth. Most of your designs are founded upon *Selfe*, and are against the Lord, you establish *your selves* and your own greatness; your hands are against every one, and every ones hands against you, you have led Liberty captive. 'Tis the voyce of God to you, *Let my oppressed go free*. Some of you have allowed a *Much* freedom to Liberty, your prisoner, when you could keep it close no longer, you have sent it abroad, but with *prison garments*, some badges of *Slavery* have remained upon it; no portion of *Freedom* hath been wrung from you, but through *exigence* or *necessity*. Thus have you demeaned your selves, as if the people had been made for you, not you for the people. For these things doth God arise, and the day of your *visitation* is come.

For why? 'Tis not possible for a people to be too free. True Liberty hath a clear light *Principle* or *Rule*, and a large compass, a spacious walk, 'tis not limited or circumscribed, but by the bounds of righteousness. Liberty is the daughter of Truth and Righteousness, and hath Light within it, as the Sun, other lights are borrowed from it. Tyranny is a *Clog*, or an *Eclipse* to Freedom. God sees good that Liberty should recover but by degrees, that so the world may be ballanced with light and knowledge, according to the advance thereof, and be more considerate in her *actions*. The deeper the *Foundation*, the surer the *Work*. Liberty in its full appearance would darken the eye newly recovered from blindness, the principles thereof are infused to us by degrees, that our heads may be *strengthened* (not *overstained*) by its *influence*.

## CHAP. II.

*Of the Peoples Right in the Choyce, Change, or Regulation of Government, together with the originall of Kingly Power, and other Formes of Government.*

**A**LL Governments being fundamentally (as to Man) seated in the People, which *Maxime* is sufficiently spoken to of late. The inhabitants of severall Countries, for the equall distribution of Justice to the whole, have voluntarily submitted to severall Administrations and Formes of Government, either under one or many Rulers: so that *Election*, or *Consent* (setting aside Titles by Conquest) are the proper source and Fountain of all just Governments. Hence it is that the power of Rulers is but Ministeriall; and in order to the peoples good, which hath given occasion to that known *Maxime*, *That the safety of the people is the supreme Law*.

From hence wee may see the Reason, why some Governments are more or lesse Free, viz. according to the prudence or neglect of *Ancestors* in bargaining with the *Princes*, and setting limits to their Power. Some have (as it were) given up themselves to the Wils of their *Princes*, and out of confidence of their integritie have left them to themselves, not considering, that just men are liable to temptations, when they are in place and power; which if it were possible for them to avoid, yet Justice is not hereditary, nor goes by descent. Some Nations having been pinched with this inconvenience, have afterwards set Bounds and Lawes to their Rulers, according as *Tully* doth excellently describe it. Lib. 2. de offic. *Eadem constituendarum legum fuit causa, qua Regum, ipsi enim semper questum est, aequabile, neque aliter esset ipse, id si ab uno iusto*

*justo & bono, utro consequeretur, eo utantur contenti, nec  
id minus contingeret, Leges sunt inventae, quae cum avari-  
tiae temperant, una & eadem voce loquerentur.*

*Englished thus,*

There is the same reason for Laws; as there was for Kings; for People have alwayes sought after Right; or an equal distribution of things, which if they did obtain from one just and good man, they were content therewith; but when they failed thereof, Laws were found out, which spake one and the same thing to all men.

Those *Nations*, which have been most strict in prescribing such *Rules*, are most *Free*, unless in proceſſe of time, through the ositancie of the people, *Princes* have trampled upon their bounds, and made them common; and in this case, as good none at all, as not observed.

Though then Governments have been diversified according to the different tempers and apprehensions of their *Founders*, the *People*; yet the *Rise* of them all, is *One* and the same; So that what *Tully* affirms of the originall of *Monarchy*, or *Kingly Government*, may be said of all the rest, his words are these, lib. 2. de *Offic.* Apud majores nostros fuit quodaeque iustitia causa videntur olim bene morati Reges constituti: nam cum pretherentur olim multitudo ab iis qui majores opes habebant, ad unum aliquem confugiebant virtutem praestantem, qui cum prohiberet injuria tenuiores aequitate consequenda, summos cum infimis pari jure retinebat. The effect of which in *English* is this, Our *Ancestors* first appointed *Kings* for the administration of justice: For when the multitude was oppressed by great and mighty men, they presently addressed themselves to some one eminent and vertuous man, who defended the poore from wrong, and kept both poore and rich within the bounds of *Equity*. An instance of this kinde wee have in *Herodotus*, where the *Medes* revolting from the *Assyrians*, chose one *Deioces* for their King, a man of supposed strictness and *Equity* in preventing disorders and abuses amongst

amongst them. But this remedy in time proved as bad as the disease, so that people were enforced to seek protection under several Rulers, which they missed under *One*. Hence it came to passe that the *Romans* banished their King and his Government together, and submitted themselves to another *Forme*.

But at first they which subject themselves to the government of *One*, may by the same reason submit to *many*, which is Aristocracie, or may alter their government from one *Forme* to another: For they that choose may change, provided it be upon just and valuable grounds. Famous was the dispute had before *Octavius Caesar* by two of his Favourites and Counsellors, about continuance or change of Monarchy, of which you may read in *Dion. lib. 32*. The story is this, When *Octavius Caesar* had by the Armes and successes of his predecessors and his own, reduced the world to peace, and made a compleat conquest of the great known part thereof, hee tooke counsell with *Agrippa* and *Mecenas*, two of his intimate friends, whether he should maintaine the Empire and Monarchy in his own hands, or resigne it to the Senate and people of *Rome*; *Agrippa* makes an eloquent Oration against Monarchy, perswading him to surrender up the Government into the hands of the Senate. On the other side, *Mecenas* perswades the contrary, and pleads for Monarchy, whose counsell was followed by *Caesar*, yet so, as that *Agrippa* was still honorably entertained and respected by him. From which Story we may observe two things.

1. That Anti-monarchical is no crime at all, but a difference in judgement about an Externall Forme of Civill government: Yea great Statesmen (such as *Agrippa*) have given in their judgements freely against Monarchical government, as *Agrippa* here did.

2. That to perswade and endeavour the alteration of Government from one form to another, hath been the subject of the discourse and action of wisemen, as we see here in *Agrippa*.

And though there may be a beauty in Monarchy, (duly circumscribed) as well as in other forms of Government, yet such

cases may sometimes fall out, when Reason and Judgement may not onely call for, but enforce a *change*; A provocation is must be of grand and fundamentall importance, which if it cannot be otherwise or not so conveniently redressed, may undergoe this kinde of *cure*; which in cases of extremity hath been practised by *Nations*.

Smaller inconveniencies may be redressed without the *abolition* of a *form*, *via.* by prescribing limits to those *Rulers*, who have abused their *Power*, which under pain of guilt they may not exceed; For the whole body of the *People* is above their *Ruler*, whether one or more.

Not to spend much time herein, I shal conclude this with the argument of the *Bishop of Burgen* in the *Council of Basle* (which was in the reign of our *Henry* the 6<sup>th</sup>) where disputing against the authority of the *Pope* above *Councils*, he urgeth this argument, that as *Kingdoms* are and ought to be above *Kings*, so is a *Council* above a *Pope*. So that former ages have had some light, as touching the Office and duty of a chiefe *Ruler* or *King* and would have been able to descry the flattery of those, who ascribe so much *Majesty* and Sacrednesse either to *Man*, or *Men*.

For are not *Rulers* themselves under a *Law*? are they not accountable for what they do? Are they not subject to frailties like other men? Are we not all derived from one common *Stock*? Is not every man born *free*? when wee ascribe so much to *Man*, wee detract from the praise and glory of *God*.

True *Majesty* is in the spirit and consists in the Divine *Image* of *God* in the *minde*, which the Princes of the World comming short off, have supplied its defect with outward badges of *Fleshy honour*; which are but *Empty shows* and  *carnall appearances*, when void of the *substance*.

But as weake as they are, they have dazzled our eyes, through the darknesse which is in us, when we our selves shall be raised up to an inward *glory*, we shall then be able to judge of that *Majesty* and *Glory*, which rests upon another.

F. I. N. I. S.